

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE,)	
)	
Petitioner,)	
)	
v.)	No. _____
)	
BILL HEARD CHEVROLET)	
CORPORATION — NASHVILLE,)	
a Tennessee corporation, also known as)	
BILL HEARD CHEVROLET and BILL)	
HEARD CHEVROLET — GEO,)	
)	
Respondent.)	

PETITION

Paul G. Summers, Attorney General and Reporter for the State of Tennessee, (hereinafter “Attorney General”), files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. § 47-18-101 *et seq* (hereinafter “the Act”), and would respectfully show the Court as follows:

1. The Attorney General, acting pursuant to the Act, has investigated certain acts and practices of Bill Heard Chevrolet Corporation — Nashville, a Tennessee corporation also known as Bill Heard Chevrolet and Bill Heard Chevrolet — GEO (hereinafter, “Respondent” or “Bill Heard - Nashville”). Upon completion of such investigation, the Attorney General has determined that certain of Respondent’s acts and practices, more specifically described in Paragraph 2 of this Petition, constitute unfair and deceptive acts or practices affecting the conduct of trade or commerce in the State of Tennessee in violation of the Act. More specifically, Respondent’s conduct constitutes violations of Tenn. Code Ann. §§ 47-18-104(a), (b)(5), (b)(12) and (b)(27).
2. Based upon the investigation of Respondent, the Attorney General alleges the following:

(A) Respondent is a Tennessee corporation. Respondent operates a licensed motor vehicle dealership in Nashville, Tennessee.

(B) Prior to June 30, 2000, Respondent’s sales contracts with some consumers listed an item as “sales tax” or “state and local tax”. In some cases, the

Respondent included the business tax in the sales or state and local tax column of a consumer's contract.

- (C) The business tax is not a sales tax; instead it is a tax to be paid by the business. State law, however, permits the business to pass the tax along to its customers so long as it is listed separately. Respondents failed to separately list the business tax on consumer contracts.
- (D) Respondent's conduct described in Paragraph 2 (A-C) constitutes unfair and deceptive acts or practices.

3. Respondent neither admits nor denies the allegations of Paragraph 2 (A-D).

4. The Attorney General entered into negotiations with Respondent and the parties have agreed to, and the Division has approved, the attached Assurance of Voluntary Compliance.

5. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

6. The Division, the Attorney General, and the Respondent, the parties who are primarily interested in the matters set forth in Paragraph 2 hereof, have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.

Respectfully submitted,

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